

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Before the court is defendant Gordon Todd Skinner’s (“Skinner”) motion to vacate the court’s June 11, 2008 order Doc. #134¹. Also before the court are Skinner’s motion for a Writ of Coram Vobis filed on August 13, 2009 (Doc. #131), and Skinner’s supplemental motion to vacate and re-enter judgment filed on January 4, 2009 (Doc. #141).

On March 22, 2004, Skinner pled guilty to possession with intent to distribute MDMA (ecstasy). Doc. #24. Skinner was sentenced to fifty (50) months incarceration. Doc. ##31, 32. Skinner did not appeal his sentence or judgment. Subsequently, on December 4, 2006, Skinner filed a motion to vacate pursuant to 28 U.S.C. § 2255. Doc. #38.

On June 11, 2008, the court denied Skinner's motion. Doc. #117. Thereafter, on July 10, 2009, more than a year after the court's denial of his motion, Skinner appealed. Doc. #122. The

¹ Refers to the court's docket number.

1 Ninth Circuit dismissed his appeal for failure to timely appeal. Doc. #133.

2 Skinner now requests that the court vacate the June 11, 2008, date for entry of the court's
3 order and enter a new entry date because he did not receive a copy of the order in time to appeal.
4 See Doc. #134. On July 15, 2009, this court recognized that Skinner did not receive a copy of the
5 June 11, 2008, order and stated that the court "would enter a new entry date for the June 11, 2008
6 order due to the lack of notice of entry to defendant." Doc. #123. However, a new entry date was
7 never entered. Accordingly, the June 11, 2008 order shall be re-entered and Skinner's Section 2255
8 motion shall be considered denied as of the date this order is filed.

9 As the court will grant Skinner's initial motion to vacate, the court finds that Skinner's
10 supplemental motion is extraneous and will accordingly deny the supplemental motion as moot.

11 IT IS THEREFORE ORDERED that defendant's motion to vacate (Doc. #134) is
12 GRANTED. The clerk of court shall enter a new entry date for the court's June 11, 2008 order
13 (Doc. #117) to coincide with the filing of this order.

14 IT IS FURTHER ORDERED that defendant's motion for a Writ of Coram Vobis (Doc.
15 #131) is DENIED in accordance with the Ninth Circuit's November 18, 2009 order (Doc. #138).
16 The motion shall be terminated accordingly.

17 IT IS FURTHER ORDERED that defendant's supplemental motion to vacate and re-enter
18 judgment (Doc. #141) is DENIED as moot.

19 IT IS SO ORDERED.

20 DATED this 14th day of January, 2010.



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22 LARRY R. HICKS
23 UNITED STATES DISTRICT JUDGE
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